

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Andrew Ridge	Team: Squad #8	CCRB Case #: 201705838	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/09/2017 8:26 PM, Thursday, 05/18/2017 , Saturday, 07/08/2017	Location of Incident: in front of 339 49th Street	Precinct: 72	18 Mo. SOL 11/9/2018	EO SOL 11/9/2018	
Date/Time CV Reported Tue, 07/18/2017 12:00 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 07/18/2017 12:00 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christian Cayenne	2135	954620	072 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Alfred Foy	21496	954821	072 PCT
2. POM Ricardo Sewell	02550	962098	072 PCT
3. POM Terrance Mcavoy	07874	949890	072 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christian Cayenne	Off. Language: On May 9th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) in Brooklyn.	
B.POM Christian Cayenne	Off. Language: On May 9th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b) in front 339 49th Street in Brooklyn.	
C.POM Christian Cayenne	Off. Language: On May 9th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon race § 87(2)(b) in Brooklyn.	
D.POM Christian Cayenne	Discourtesy: On May 9th, 2017, Police Officer Christian Cayenne spoke discourteously to § 87(2)(b) in Brooklyn.	
E.POM Christian Cayenne	Abuse: On May 9th, 2017, Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force § 87(2)(b) in Brooklyn.	
F.POM Christian Cayenne	Off. Language: On July 8th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.	

Officer(s)	Allegation	Investigator Recommendation
G.POM Christian Cayenne	Discourtesy: On July 8th, 2017, Police Officer Christian Cayenne spoke discourteously to § 87(2)(b) on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.	
H.POM Christian Cayenne	Off. Language: On July 8th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon race on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.	
I.POM Christian Cayenne	Abuse: On July 8th, 2017, Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.	
J.POM Christian Cayenne	Abuse: On July 8th, 2017, Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.	

Summary of Complaint

On May 9th, 2017, at approximately 8:26PM, § 87(2)(b) walked past 339 49th Street in Brooklyn when he saw Police Officer Christian Cayenne of the 72nd Precinct responding to a fight between two teenagers. When he saw § 87(2)(b) PO Cayenne stopped what he was doing and smiled at § 87(2)(b). This allegedly sparked a verbal altercation between § 87(2)(b) and PO Cayenne in which PO Cayenne allegedly made comments in reference to § 87(2)(b) perceived sexual orientation, gender, and race, told § 87(2)(b) to suck his dick, and told § 87(2)(b) that he would smack him (**Allegations A-E**)."

On July 8th, 2017, at approximately 10:30PM, § 87(2)(b) was at a barbeque at a house on 49th Street between 4th Avenue and 5th Avenue in Brooklyn, when he allegedly saw Police Officer Christian Cayenne and Police Officer Alfred Foy of the 72nd Precinct stop their car across the street. § 87(2)(b) allegedly called PO Cayenne a "pussy," which allegedly sparked a verbal altercation in which PO Cayenne allegedly made comments in reference to § 87(2)(b) gender and race, allegedly threatened to fuck § 87(2)(b) up, and in which PO Cayenne allegedly used a large amount of profanity (**Allegations F-I**). Near the end of this verbal altercation, PO Cayenne allegedly gestured to his gun and told § 87(2)(b) "You're gonna die to this (**Allegation J**)."

Mediation, Civil, and Criminal Histories

- This case was deemed unsuitable for mediation.
- The NYC Office of the Comptroller responded to a request on November 9th, 2017, indicating that no notice of claim has been filed by § 87(2)(b) in regards to this incident (BR08).
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Civilian and Officer CCRB Histories

- This is the third complaint filed by § 87(2)(b) at the CCRB, § 87(2)(b)
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- PO Cayenne has been a MOS for four years, and this is the second CCRB complaint filed against him (BR03). The first is § 87(2)(b) first complaint, CCRB Case #201705828, which is still open, and which contains discourtesy and offensive language allegations.

Findings and Recommendations

Allegation A—Offensive Language: On May 9th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) in front of 339 49th Street in Brooklyn.

Allegation B—Offensive Language: On May 9th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b) in front 339 49th Street in Brooklyn.

Allegation C—Offensive Language: On May 9th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon race in front of 339 49th Street in Brooklyn.

Allegation D—Discourtesy: On May 9th, 2017, Police Officer Christian Cayenne spoke discourteously to § 87(2)(b) in front of 339 49th Street in Brooklyn.

Allegation E—Abuse of Authority: On May 9th, 2017, Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force in front of 339 49th Street in Brooklyn.

During his in-person interview at the CCRB, § 87(2)(b) who is a black male, testified that on a day in May 2017, determined by the investigation to be May 9th, 2017, he was walking past the front of 339 49th Street in Brooklyn on his way home when he saw PO Cayenne on the street (BR04). § 87(2)(b) knew PO Cayenne from a past incident which occurred in April 2017, and in which a number of MOS, including PO Cayenne, used force to remove § 87(2)(b) to the hospital. Following his removal to hospital, § 87(2)(b) allegedly received a message via Facebook in which the sender allegedly called him a “pussy fuckboy” and invited him to fight in Flatbush. § 87(2)(b) believed that because this message had been sent shortly after his forcible removal to the hospital, PO Cayenne had used a pseudonym to send him this threatening message on Facebook.

§ 87(2)(b) saw PO Cayenne for the first time since the April incident on May 9th, 2017. PO Cayenne was speaking with § 87(2)(b) and another woman on the sidewalk in front of 339 49th Street. As § 87(2)(b) passed PO Cayenne he saw that PO Cayenne was smiling at him. § 87(2)(b) walked about five feet past PO Cayenne, stopped, and then walked back to PO Cayenne. § 87(2)(b) asked PO Cayenne what the fuck he was looking at, asked PO Cayenne if he was smiling because he was attracted to him, and if PO Cayenne wanted his dick in his mouth. PO Cayenne told § 87(2)(b) that he was a “sweet bitch,” and that § 87(2)(b) would “have fun eating through niggers like me.” § 87(2)(b) told PO Cayenne that he might enjoy sucking his dick. PO Cayenne responded that § 87(2)(b) mother should have swallowed him, and at some point told § 87(2)(b) to suck his dick. At some point, § 87(2)(b) told PO Cayenne that his mother was a hoe, that he was a faggot and a pussy, and that he would smack PO Cayenne. At some point, PO Cayenne told § 87(2)(b) that he would smack him. PO Cayenne told § 87(2)(b) that he was not scared of him. § 87(2)(b) told PO Cayenne that he was not scared of him either, that PO Cayenne should stop sending him Facebook messages, and that if PO Cayenne wanted, they could go Flatbush together. § 87(2)(b) told PO Cayenne to suck his dick and walked away. The entire time § 87(2)(b) and the other woman watched PO Cayenne and § 87(2)(b) but did not get involved.

The CCRB attempted to contact § 87(2)(b) and § 87(2)(b) but they were both unresponsive to multiple contact attempts made using the limited contact information available to the investigation.

PO Cayenne testified that he and PO McAvoy were investigating an assault at 339 49th Street in Brooklyn (BR05). PO Cayenne remained outside 339 49th Street to speak to § 87(2)(b) and § 87(2)(b) while PO McAvoy went inside to interview the victim. While PO Cayenne was interviewing § 87(2)(b) and § 87(2)(b) he saw § 87(2)(b) walking by, and recognized him from the April 2017 incident. § 87(2)(b) came within a foot or two of PO Cayenne and muttered something along the lines of “You’re not safe in Flatbush.” PO Cayenne said “hello,” and § 87(2)(b) walked away. PO Cayenne had no further interaction with § 87(2)(b).

PO McAvoy testified that he was inside 339 49th Street for most of the incident and that he neither heard of nor witnessed any verbal altercation between PO Cayenne and any civilian (BR06).

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Allegation F—Offensive Language: On July 8th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.

Allegation G—Discourtesy: On July 8th, 2017, Police Officer Christian Cayenne spoke discourteously to § 87(2)(b) on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.

Allegation H—Offensive Language: On July 8th, 2017, Police Officer Christian Cayenne made remarks to § 87(2)(b) based upon race on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.

Allegation I—Abuse of Authority: On July 8th, 2017, Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.

Allegation J—Abuse of Authority: On July 8th, 2017, Police Officer Christian Cayenne threatened § 87(2)(b) with the use of force on 49th Street between 4th Avenue and 5th Avenue in Brooklyn.

§ 87(2)(b) testified that sometime either on July 8 or the morning of July 9, 2017, he was sitting on the front steps of a building on 49th Street between 4th Avenue and 5th Avenue in Brooklyn for a barbeque at the house of an acquaintance (BR04). There was some uncertainty regarding the date of incident. When § 87(2)(b) initially filed the complaint, he stated that the incident happened on July 2, but later believed it happened on July 8 or July 9. He could not provide a specific time. § 87(2)(b) only knew the people he was with by their street names and nicknames. § 87(2)(b) was waiting with several acquaintances for other people at the barbeque to return to the house from shopping when he saw a police vehicle drive by. PO Cayenne was in the driver's seat. About five minutes later, § 87(2)(b) again saw the same police vehicle. PO Cayenne put the car in reverse and stopped across from the house on the other side of the street.

§ 87(2)(b) approached the police car and saw that there was another officer inside. § 87(2)(b) said something along the lines of "What's up, pussy? You hungry? You want some dick slapped on the grill for you?" § 87(2)(b) asked PO Cayenne why he stopped the police car. PO Cayenne said "Yo. You a bitch. Everyone you hang out with is bitches. You're all bitch-ass niggers. I'm gonna fuck you up in front of your mans." § 87(2)(b) crossed in front of the police car to go to the driver side and said something along the lines of "What're you going to do? You're not going to do shit. You're a pussy-ass. I'm going to smack the shit out of you." PO Cayenne said "You just like every other ignorant nigger. You're gonna die to this just right here." As PO Cayenne said this, he gestured towards the firearm on his left hip. § 87(2)(b) asked PO Cayenne if he wanted to go gun for gun but PO Cayenne did not respond. § 87(2)(b) said "Alright, nigger. You let me know what you're going to do." § 87(2)(b) backed up towards a nearby garbage can from which he pretended to retrieve a hidden firearm, and said "Alright. You ready?" PO Cayenne said "Alright, I got you. I'm gonna see you" and drove away.

PO Foy testified that he was at the stationhouse processing arrest paperwork from 6:47PM until he went end of tour at 11:35PM (BR07). PO Foy had no recollection of this incident and has never witnessed any interaction between PO Cayenne and § 87(2)(b).

PO Cayenne testified that he was at the stationhouse processing an arrest with PO Foy, and that he has had no interaction with § 87(2)(b) since the May 2017 incident (BR05). PO Cayenne had no recollection of this incident.

Both PO Foy's and PO Cayenne's memo books confirm that the aforementioned arrests took place, and PO Cayenne's memo book specifically notes that at the time provided by § 87(2)(b) he was at the stationhouse processing the arrest paperwork (BR09, BR10).

§ 87(2)(g) When § 87(2)(b) filed the complaint, he first believed that the incident happened on July 2, but then stated that it happened sometime between July 8 and 9, but could not provide a specific time. Furthermore, § 87(2)(b) and PO Cayenne have a history of interacting with each other. In the first incident on April 11, 2017 § 87(2)(b) without any corroborative evidence, alleged that PO Cayenne had threatened him on Facebook. In the second incident on May 9, 2017, § 87(2)(b) approached PO Cayenne because he smiled at him in a way that made § 87(2)(b) think PO Cayenne wanted something from him. In this incident, § 87(2)(b) alleged that he approached PO Cayenne, because PO Cayenne was looking at him. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

Squad No.: 8

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date